

T H E  
S P E C V L A T I O N  
*of Vsurie.*

*Psalm. 15. 1, 5.*

Lord, who shall dwell in thy Taber-  
nacle? He that giueth not his mo-  
ny vnto vsurie, nor taketh rewarde  
against the innocent.

*Basilius in Psal. 14.*

*Animalia pariendo desinunt, cum fœtus  
ipsorum parere incipiunt; argentum  
vero fœneratoris tam antiquum quam  
nouum parit.*



L O N D O N  
Printed by Valentine  
Symmes.

1596

RESOLUTION

Resolved, That the Committee on the subject of the petition of the

Board of Directors of the Bank of the City of New York, do hereby

LONDON  
Printed by Valentine

34507



To the right Wor-  
shipfull sir Thomas Egerton knight,  
the worthie master of the  
Rolles.

**I**Ruby wrote the elect vessel of our Lord  
Iesus, that vpon vs are come the ends 1. Cor. 10. v. 11.  
of the world. For as Christ tolde vs,  
we see, that in this last age Charitie Math. 24. v. 12.  
waxeth cold, that iniquitie hath got-  
ten the vpper hand. Now pietie is dee-  
med follie; now scurrilitie is reputed  
braverie; now fidelitie is iudged vanti-  
tie; now penurie is thought skilfull pollicie; now charitie is  
termed hypocrisie; now deceitful dealing is highly commended,  
and treason practised euery where; now craftie Achitophels 2. Sam. 17. v. 14.  
are much esteemed, and faithfull Chusaies little or nothing at  
all regarded. Now haue wee neede to exclaime With Gods an- Psal. 12. v. 1.  
noyned Prophet, Help Lord, for good and godly men do perish  
and decay; nowe faith and trueth from worldly men is parted  
cleane away. Now, now, is nothing more frequent with the  
rich men of this world, than to writhe about the neckes of their  
poore neighbours, and to impouerish them with the filthie lucre  
of Usurie. Which Usurie is this day amiably embraced of innu-  
merable, and so magnified of many, that they blush not with bra-  
sen faces to defend it, and to terme it a lawfull contract. Yea,  
some are so rauished with this kind of impietie, that they haue  
sold their inheritance, and thereby provided a stocke of money;  
which they lend out continually for this filthie lucre, to the vt-  
ter vndoing of their honest needie neighbours. In regard here-  
of, that all Vsurers may behold the turpitude of their dishonest  
lucre, and once haue true internall remorse for the same (if it  
wil please our merciful God to bestow it on them) I haue accor-  
ding to the measure of my smal talent, imploied seriously my ear-  
nest study, care, and industrie, in compiling this succinct and  
plaine Treatise. Your Worships zeale in Gods true religion;

## The Epistle Dedicatorie.

your painefull seruice in her Maiesties affaires; your cheere-  
full countenance towards all loyall subiects; your sincere pro-  
ceeding in all maner of iustice, aswel in the behalfe of the poo-  
rest as of the rich; your rare great affection to all painefull la-  
bourners in Christs vineyard; and especially your wonderfull  
kindnesse, your vnspeakeable curtesies, and other your manifold  
benefites towards my seely selfe the meaneest of many thousands;  
haue worthily deserved farre better things, both of others and  
at my hands. Your worship I know, delighteth not to heare these  
commendations, though in deede (absit verbo adulatio) they  
be farre inferiour to your condigne deserts. For as it is truely  
said, they are best worthie of true praise, that least desire the  
same. I therefore, though not able to render condigne compen-  
sation for your manifold goodnes to me wards; do humbly pre-  
sent vnto your Worship, that which I may, and as I can; that is,  
this my vnpolished Speculation, as an infallible argument of my  
ready gratefull minde, if power were correspondent vnto will.  
Accept the gift I pray you heartily in good part, as if it were a  
better thing: so commending your Worship, and all your acti-  
ons, words, and thoughts to the grace of our good God, I humbly  
take my leaue. From my study this 18. of March 1595.

Your Worships euer to command,

THOMAS BILL.



# Of the essence, nature, and

definition of Usurie.

## The first Chapter.



Before I come to the precise description or definition of Usurie, I must require thee (gentle reader) to observe two things with mee. First, that it is one thing to speake of vsurie it selfe, an other thing to speake of the sinne of it. Secondly, that these words are fitly and plainely distinguished in the Latine tongue; to wit, *comodatum*, *locatum*, and *mutuum*, which are confounded in our English tongue, and taken onely for loane or the thing that is lent. When therfore and so often as I shall speake of loane or the thing lent, my meaning euer is to speake of that loane, or of that thing lent, which is called in latine *mutuum*. which I heere admonish once for all; to auoid confusion and tedious repetition, in this my discourse following.

I  
2  
A distinction  
very necessary  
to be obser-  
ued.

The sinne of vsurie, is the exacting, intending, or receiuing of the vsurie, or of that gaine which is giuen for the loane. Usurie it selfe is that gaine, which is exacted or principally intended for the loane of our money, or of other things estimable with money.

The definition  
of vsurie.

I say first, (exacted,) because a thing giuen voluntarily in the way of gratitude, is not vsurie; neither doth it make the receiuer to be an vsurer, if it haue not a deformed adiunct.

I

A deformed  
adiunct.

I say secondly, (principally intended) because gaine intended secondarily doth not make vsurie, nor him that desireth it to be an vsurer; though the principal intention of it be inough for mentall vsurie, as shall appeare hereafter.

2

I say thirdly, (of money, or things estimable with money) because vsurie may be aswell committed in other things as in money, although many of the vulgar sort, and some also that otherwise bee learned; seeme not so to conceiue the matter. This definition of vsurie, may be evidently prooued out of the holy Scriptures in the olde and newe Testament; as also by the vniforme consent of the ancient Fathers, and by

3

# The speculation

the constitutions made in counsels of best approoued antiquitie. Which thing shal be prooued copiously, in the next Chapter following.

Of the deformitie and great sinne of Vsurie.

Chap. 2.

**W**hen I consider Gods holy will reuealed in his sacred word, the manifold testimonies of the ancient fathers, and the decrees of approoued Synods; I cannot but admire the condition of many in these our daies; who are so farre from condemning vsurie, that they doe not onely practise it, but without blushing defend the same, as an honest and lawfull thing. I will therefore by Gods holy assistance, so discover the turpitude of filthie vsurie by three seuerall testimonies; as euery childe may with facilitie, behold how grievous a sinne it is.

The first distinction, of the testimonie of the holy Scriptures.

**T**he first place of my first prooffe, is taken out of the booke of Exodus in these words: If thou lend money to my people, that is, to the poore with thee, thou shalt not bee an vsurer to him: ye shall not oppresse him with vsurie.

Exod. 22. v. 25.

**T**he second place is contained in Leviticus, in these expresse words: If thy brother be impouerished, and fallen in decay with thee, thou shalt relieue him: thou shalt take no vsurie of him, nor vantage, but thou shalt feare thy God, that thy brother may liue with thee.

Leuit. 25.  
v. 35. 36.

**T**he third place is taken out of the Psalmes, and these are the words: Lord, who shall dwell in thy tabernacle, who shall rest in thine holy mountaine? he that giueth not his mony vnto vsurie, nor taketh reward against the innocent.

Psal. 15. v. 1. 5.

**T**he fourth place is in the Prophet Ezechiel, who writeth in this maner (He that) hath giuen forth vpon vsurie, or hath taken increase, shall he liue? he shall not liue; seeing he hath done al these abominations, he shal die the death, and his blood shall be vpon him.

Ezek. 18. v. 13.

**T**he fift and last place, is taken out of the holy Gospel, in these expresse words: Wherefore loue ye your enemies, & do good,

Luke 6. v. 35.



## Of Vsurie.

good, and lend, not hoping for any gaine, and your reward  
shalbe great, and ye shalbe the children of the most High.

Out of these texts I note first, that vsurie is a very great sin, 1  
as which is not only against charitie, but against iustice also.

I note secondly, that no vsurer loueth or feareth God, but 2  
seeketh the destruction of his Christian brother.

I note thirdly, that it is not onely unlawfull to take or re- 3  
quire vsury, but also to wish or desire vsury in our hearts.

I note fourthly, that vsurers cannot dwell in Gods house, 4  
but that their blood must be vpon them, and they perish euer-  
lastingly. These annotations are effectually contained in the  
textes of sacred Scripture already rehearsed. Whosoever  
will peruse them seriously, cannot but conceiue it to be so.

The second distinction, of the testimonie of  
ancient Councils.

The ancient counsell Elebertine of some called Granado,  
decreed against vsurie, aboue one thousand, two hundred,  
and sixtie yeeres since, in the yeere of our Lord God 325.  
the words are these; *Si quis clericorum detectus fuerit usu-  
ras accipere placuit degradari & abstinere. Si quis etiam lai-  
cus accepisse probatur vsuras. & promiserit correptus, se iam  
cessaturum nec vlterius exacturum, placet ei veniam tribui, si  
verò in ea iniquitate durauerit, ab ecclesia sciat se esse proijci-  
endum.* If any of the cleargie shall be conuicted to take vsu-  
rie, then we decree that he shall not onely surcease, but withall  
be degraded (for his wicked fact.) Vea if a lay man who is  
known to take vsurie, shal after admonition giue it ouer, and  
deale no longer therewith, the counsell is content to pardon  
him. But if that lay man shall continue in that iniquitie, let  
him know that the church will excommunicate him, (and deli-  
uer him vp to satan, as the apostle terms it.) By these words  
of this holy and ancient council we may see evidently, that v-  
sury is a grievous sinne in al sorts of people; and that lay per-  
sons, who would not surcease from taking vsurie, were puni-  
shed with excommunication, the most terrible and feareful pu-  
nishment that can in this life happen vnto man.

The famous council of Nice, which was holden in the yere  
of our Lord God 327, utterly condemneth vsurie, as a thing

Conc. Eleber.  
can. 20.

For vsurie is  
that iniquitie  
in all sorts of  
people.

# The speculation

Conc. Nicen.  
can. 18.

Behold, usurie  
is directly as  
gainst Gods  
commande-  
ment.

Conc. 1.  
Arelat.  
can. 12.

Conc. 3.  
Carthag.  
can. 16.

prohibited by the expresse word of God. These are the words;  
*Quoniam multi clerici auaritia causa turpia lucra sectantes, obliu sunt diuini precepti (quo dictum est: qui pecuniam suam non dedit ad vsuram) fœnerantes centesimas exigunt, statuit hoc sanctum concilium, vt si quis inuentus fuerit, post hanc definitio- nem vsuras accipere, vel ex quolibet tali negotio turpia lucra sectari, veletiam species frumentorum ad septuplum dare: omnis qui tale aliquid conatus fuerit ad questam, deiciatur a clero, & alienus ab ecclesiastico habeatur gradu.* Because many of the cleargie, while they are couetous and follow after filthy gaine, do forget Gods holy precept (which pronounceth him blessed that hath not giuen his money vnto vsurie,) and giuing forth vpon vsurie, require the hundred part; this holy councill be- creeth, that if any be found after this constitution, to take vsury, or to followe vn honest gaine of any such marchandise, or els to giue to the seuenth part their kinds of corne; let euery one that shall attempt any such thing for gaine, bee cast out from the cleargie, and be remooued from ecclesiasticall function.

1 Out of these wordes I note first, that vsurie is here pro- nounced to bee against Gods word, as it was before by the councill Elebertine.

2 I note secondly, that this holy Synod assigned sharpe pu- nishment, for such as receiued vsurie.

3 I note thirdly, that the fathers of this councill, terme vsurie an vn honest and filthy gaine.

4 I note fourthly, that this sacred Synod acknowledgeth vsu- rie not onely in money, but euen in corne and other things.

The ancient councill of Arles the first, celebrated about the same time, with the former Synods, taught the selfe same doc- trine in these wordes; *de ministris qui fœnerantur, placuit, eos iuxta formam diuinitus datam, a communione abstinere.* concer- ning the ministers which are vsurers, we decree that they shall abstaine from the holy Communion, euen as it is appointed by God. Lo, God himselfe doth so lothe and detest vsurie, that he will haue no vsurers to receiue his holy Communion.

The third councill of Carthage, which was holden in the peere of our Lord, 400. condemnech vsurie as the other coun- cels did before it.

The



## of Vsurie.

The third distinction, of the testimonie of the auncient fathers.

**V**surie is so condemned by all approued writers of antiquitie, as no one auncient father can be named, who euer wrote one worde in defence of it: neuerthelesse, very many of the holy fathers, haue in large maner discovered that filthy lucre, of which number, I will now content my selfe with a few.

Lactantius Firmianus of this matter writeth in this maner; *Pecunia, si quam crediderit, non accipiet usuram; ut & beneficium sit incolume quod succurrit necessitati; & abstineat se prorsus alieno. in hoc enim genere officij debet suo esse contentus, quem oportet ne proprio quidem parcere, ut bonum faciat; plus autem accipere quam dederit, iniustum est. quod qui facit, insidiatur quodammodo, ut ex alterius necessitate praedaetur: si a man lend any money, he must not take vsurie for the same; as well to make the benefit safe and sound which relieueth necessitie, as to keepe himselfe free from another mans goods, for in this kinde of seruice, he must be content with his owne; who is bound not to spare his owne, that so he may doe good; but to take more then he gaue, is a thing vniust. which who so doth, worketh by deceit, that so he may make a pray of another mans necessitie. Out of these golden words of this auncient writer, who liued aboue 1200. yeeres agoe, I note first, that whosoever taketh vsurie, taketh another mans right from him.*

I note secondly, that to receiue more then was giuen, is vsurie and iniustice, and consequently, that all surplussage which we take for the loane, is another mans and not our owne.

I note thirdly, that all vsurers deale deceitfully, and make a pray of their neighbours miserie.

Saint Basill, reputed so excellent a diuine that he was surnamed (*magnus*) the great, doeth so liuely paint out vsurers in their deserued colours; as all hearts that are not of flint or iron wil be mollified with one only recitall of the same: these therefore are his wordes; *Nam Ezechiel in maximis ponit malis foris, & plus quam sortem accipere, & lex illud luculenter prohibet. Sequitur auarus videns inopem necessitate coactum ad genus suum supplicem procumbentem, & quid non ab-*

Lactantius  
lib. 6. diuinar.  
instit. cap. 18.

Usurie is flatter  
cheat and  
tongue.

1  
2  
3

Basilius in  
Psalm. 14. ser. 2.  
tom. 1.

## The speculation

*effectum facientem? quid non loquentem? non misereretur illius,*  
*ut prater decorum se supplicem exhibeat, communem non co-*  
*gitat naturam, humilibus supplicationibus nihil cedit, sed im-*  
*mobilis implacabilisque consistens, nec precibus vincitur, nec*  
*lachrymis mollitur, sed negando perseverat: iurat insuper at-*  
*que protestatur sese omnino carere pecunia, & querere si quem*  
*ipse feneratorum inueniat, ac mendacio fidem per iuramentum*  
*faciens, iniqua & inhumana mercatura impudens periturum*  
*addit; postquam vero conspiciat miserum illum meminisse fauoris*  
*foeturaeque sortis vltro offerentem, supercilium remittere ac*  
*subridere incipit; tunc demum amicitia paterna recordatur, &*  
*familiarum & amicum appellat. videamus inquit, si quid nobis*  
*restat depositi argenti: est n. amici hominis depositum quoddam*  
*apud nos, unde quastum ille facit, granique fœnus nobis impo-*  
*suit, nos vero ex hoc detrahemus, longèque minore tibi dabi-*  
*mus. For (the Prophet Ezechiel) placeth vsurie and all that*  
*is more then the principall, amongst the greatest sinnes; and*  
*the Law doth expressly forbid the same. But the couetous man*  
*seeing the poore man enforced with necessitie, fallen prostrate*  
*at his feete, making humble sute vnto him, abasing himselfe*  
*in all kinde of seruilitie, doeth not for all that extend any com-*  
*passion towards him, howsoever hee submit him selfe more*  
*then seemely order would require; he remembereth not the na-*  
*ture common to them both, he giueth no place to humble re-*  
*quest, he remaineth immouable and implacable, he is neither*  
*ouercome with prayets, nor mollified with teares; but still*  
*continueth in deniall. Besides this he sweareth and protesteth*  
*that hee hath no money at all, but that himselfe seeketh where*  
*to finde an vsurer, and so swearing falshood to be trueth, he do-*  
*eth impudent periurie to naughtie and cruell merchandises;*  
*yet so soone as the silly poore man maketh mention of vsurie,*  
*and willingly offereth the ouerplus aboue the principall, he a-*  
*batheth his lowe countenance, and be ginnoth to smile; then ac-*  
*the length hee remembereth paternall amitie, and calleth him*  
*neighbour and friend. let vs see sayth he, if there remaine any*  
*money, of that which was left in our hands. For a friend of*  
*mine left a piece of money with me, whereof he useth to make*  
*a gaime, and hath imposed a great interest vpon vs; yet wee*  
*wil*

Beholde the  
 expresse pla-  
 ce of vsurers,  
 this day in  
 England,

O wicked  
 greedines to-  
 ned with false-  
 hood and by  
 doctrine,



## of Vsurie.

will subtract a piece of it, and let you haue it farre better cheape.

Out of these wordes of this holy, learned, and auncient father, I note first, that vsurie is proued out of holy writ, to be one of the greatest sinnes. So sayth S. Basill, so sayth the holy Prophet Ezechiel.

I note secondly, that vsurers are vnnmercifull and very cruel men, that they take pleasure in the miserie of the poore, and will haue no compassion on them.

I note thirdly, that vsurers be lyars and periured persons; as who by ioyning periurie to leasing, seeke to increase their sauage and brutish dealing.

I note fourthly, that howsoever vsurers protest and sweare that they haue no money; yet so soone as excessive filthy gaine is promised by their needy neighbours, they graunt they haue enough in store: neuerthelesse, to hide their guilefully painted hypocrisie, they say it is their friends, and not their owne.

Saint Ambrose doeth no lesse exclaime against vsurie, then you haue heard already out of Saint Basill. Yea, he handleth no other matter throughout many Chapters of a large booke; some fewe wordes onely I will alledge, by which the Reader may haue an indifferent coniecture of the rest: these are the wordes; *Numeratur pecunia, addicitur libertas, absoluitur miser minore debito, minore ligatur. Talia sunt vestra diuites beneficia minus datis, & plus exigitis. Talis humanitas, vt spoliatis etiã dum subuenitis: fecundus vobis etiã pauper est ad quæstum Vsurarius est genus cogentibus vobis habet quod reddat, quod impendat, non habet. Misericordes plane viri, quem alij absoluitis, vobis addicitis. vsuras soluit, qui victu indiget; an quicquam grauius? ille medicamentum querit, vos offeritis venenum. Panem implorat, gladium porrigitis: libertatem obsecrat, seruitutem irrogatis. absolutionem precatur, informis laquei nodum stringitis. Money is tolde, libertie is tolde, the silly poore man is quit of the lesse debt, and fast bound to the greater. Such (O rich men) are your benefits, you giue lesse, and exact more; such is your humanitie, that while you seeme to helpe a man, you spoyle him vnto the vttermost. Your profit is wrought, euen by the poore man vnto your gaine. the vsurer*

Ambrosius  
libr. dd Tobias,  
cap. 3. rom. 4.

Intolerable  
iniquitas,

# The speculation

is needie. by your exaction hee hath something to restore, but plaine nothing to bestowe. You are doublelesse mercifull men, whom you make free to others, those you make bondmen to your selues. hee payeth vsurie, that hath not whereon to liue. can any thing be a moze grievous sinne? hee seeketh for a medicine, you giue him popson. he asketh bread, you giue him a sword. he prayeth to haue libertie, you bring him into seruitutie. he desireth to be loosed, you tye a knot on the corde.

Chrysost.in  
cap.21. Mat.  
hom.38.rom.  
2.p.999.

Saint Chrysostome reputeth the vsurer, for the most cruell and abiect raitife in the worlde, thus doeth he write; *Qui autem comparat rem. ut illam ipsam integram & immutatam dando lucaretur, ille est mercator, qui de templo Dei eijcitur. unde, super omnes mercatores plus maledictus est vsurarius. si. n. qui rem comparatam vendit, mercator est & maledictus, quanto magis maledictus erit, qui non comparatam pecuniam. sed a Deo donatam sibi, dat ad vsuram? secundo, quia mercator dat rem, ut iam illam non repetat, iste autem postquam fuerit, & sua iterum repetit, & aliena tollit cum suis.* Wee that prouideth a thing to gaine, by giuing it entire and vunchanged, is that merchant that is cast out of the temple of God. Wherefore moze accursed is the vsurer then all merchants in the worlde. for if he that selleth the thing he hath, be a merchant, and accursed; how much moze shall he be accursed, that giueth to vsurie not the money he hath gotten, but that which God gaue him. againe, because the merchant giueth the thing neuer henceforth to receiue it againe, but the vsurer after he hath lent his money, both taketh his owne againe, and other mens with his owne.

¶ fine epithet  
con for the vs  
urer.

August.in pla.  
36.conc.3.

S. Augustine is in this point as in all other things, brieft, pitchy, and sweete: these are his words; *Nolo si is fuerit, & ideo nolo, quia Deus non vult: nam si ego nolo, & Deus vult, agite. si autem Deus non vult, etiam si ego vellem, malo suo ageret qui ageret. Unde apparet Deum hoc nolle. Dictum est alio loco, qui pecuniam suam non dedit ad vsuram. Et quam detestabile sit, & quam odiosum, quam execrandum, puto quia & ipsi fuerit nouerunt.* I will not haue you to be vsurers, and therefore will not I, because God wil not. for though I will not, yet if God wil, pee may doe it, but if God will not



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then although I would, yet should he do it to his own harine, that would do it. But how do we know, that God wil it not: because it is said in another place; He that hath not giuen his mony to vsurie. Now how detestable, how odious & execrable a thing it is, I thinke the vsurers themselues do know.

S. Hierome the most excellent and skillfull clarke, is in this point consonant to the rest, these are his expresse words; *Respon-*

Hieron. libr. 6.  
in 18. cap. Ezeq.

*deat nobis breuiter fenerator misericors, vtrum habenti dederit, an non habenti Si habenti, vtiq; dare non debuerat, sed dedit quasi non habenti. Ergo quare plus exigit quasi ab habente? alij pro pecunia fenerator, solent munuscula accipere diversi generis; & non intelligunt vsuram appellari, & superabundantiam, quicquid illud est, si ab eo quod dederint plus acceperint. Let* the merciful vsurer by this answer me, whether he lent to him that had, or to him that wanted? If to him that had, he doubtles should not haue done it; but he gaue it as to one that had not, therefore why doth he exact more, as of one that hath? Do they forlent money vnto take gifts of another kind; and they vnderstand not that vsurie is termed that surplusage or ouerplus whatsoever it be that they take more than they gaue. To these fathers, the testimonie of S. Bernard Guerricus shall be added for a complement; these are his words: *melius est gra-*

Bernard. Guerr.  
in epist. hr. in  
fine oper. Bernar.  
Clareuall.

*tiorem pati famem, quam patrimonij venditionem: sed melius est partem vendere, quam se vsuris subicere. Quid est vsura? venenum patrimonij. Quid est vsura legu? latro praeceps quod intendit: it is better to suffer great famine, then to sell thy patrimonie; yet is it better for thee to sel a peece of it, then to liue in the bondage of vsury. What is vsurie? The poison of our patrimonie. What is the vsurie of the law? A thiefe going before: that that he intends to do. S. Bernard Clareuallensis compar-*

Bernard. Guerr.  
in epist. hr. in  
fine oper. Bernar.  
Clareuall.

*reth vsurers with theeues and hypocrites, and saith, that they be diuorced by the name of Christians; these are the words: Sicut* *hodie sunt iudei, peius iudei quam dalemus christiano; fenerator* *autem christianos, & non magis baptizatos iudeos conuen-* *it appellari: if the Jewes be wanting in any place, christians* *that be vsurers (a pitifull case) are found to surpassle them in* *Judaisme; if it be that we may terme them Christians; and* *not rather baptized Jewes.*

Bernar. epist. 322

# The speculation

Of the difference betweene Vsurie and other lawfull  
contracts of lending. Chap. 3.

**F**or the exact vnderstanding of this chapter wee must ob-  
serue first, how *commodatum* differeth from *locatum*: *com-*  
*modatum* is, when we lend a thing to a certaine day, not re-  
quiring any price or consideration for the loane.

**W**e must obserue secondly, that *locatum* is, when we lend  
a thing to a certain day, requiring a certain price or considera-  
tion for the same.

**W**e must obserue thirdly, that as I saide in the beginning  
of the first chapter these three wordes, *commodatum*, *locatum*,  
& *mutuum*, are confounded in our vulgar tongue, and that *mu-*  
*tuum* is euen as *locatum*, when we lend a thing to a certaine  
day, requiring a certaine price or consideration for the same.  
But the difference is this, because in *locato*, we keepe still the  
dominion and proprietic of the thing which wee lend; but in  
*mutuo*, the dominion and proprietic of the thing lent, is trans-  
ferred from vs to him that borroweth the same. This obser-  
uation ought neuer to be forgotten.

**W**e must obserue fourthly, that of things some be con-  
sumptible, and some inconsumptible: inconsumptible things  
are those, in which we can separate the vse from the dominion  
and proprietic of the thing: consumptible things are those, in  
which the dominion is transferred together with the vse.  
Whereupon it commeth, that when wee lend thinges incon-  
sumptible with the vse, as our horses, our oxen, our kine, our  
sheepe, and such like; we may take competently for the loane,  
vse, or increase of the same; because after the loane of such  
things, the dominion and propriety of the same, stil remaineth  
in our selues. Contrariwise it falleth out, in things consump-  
tible with the vse; because the dominion and proprietic of such  
things which before was in our selues, passeth from vs to the  
borrowers, *ipso facto* with the loane thereof. Such things are  
mony, wine, ale, beer, bread, oile, coyne, and the like. For in  
these things it is impossible to separate the vse from the domi-  
nion of the thing it selfe: and consequently, whensoever ye lend  
me any such thing, *ipso facto* ye change the proprietic of the  
thing, and make me the owner and lord of the same.

The difference  
betweene mu-  
tuum and loca-  
tum.

Things con-  
sumptible and  
things incon-  
sumptible.



## not of Vsurie.

We must obserue firstly, that money is a thing which of it  
stone nature is barraine and fruitlesse, and so can neuer yeeld  
any commoditie, vnlesse it be by the industrie of man.

We must obserue sixtly, that we may speake of money two  
maner of waies; to wit, materially and formally. It is taken  
formally, when it is vsed according to the first institution, for  
honest and necessarie permutacion, as the rule and measure of  
things to be solde. And when money thus taken is lent, the do-  
minion & propriety is euer altered with the loane. It is taken  
materially: when it is lent to be giuen for a pledge, for ostent-  
tation, & other like intents, so as the selfesame numero must be  
restored. The vse and commoditie of these obseruations & di-  
stinctions, will appeare throughout the chapters following.

Of the object of vsurie, that is, of the matter and  
things in which vsurie is com-  
mitted. Chap. 4.

Many thinke that vsurie consisteth in the loane of money on-  
ly; but they are grosely deceiued, in that their imaginati-  
on. For it chanceth so often as any thing is taken for the loane  
in what kind of things soeuer. This I will proue manifestly,  
as well by the scriptures, as by the holy fathers.

Touching the Scripture, the first place is in Ezechiel, in  
these wordes; Neither hath receiued vsurie nor increase:  
where the word (increase) may be supplied as well to other  
things as to money.

The second place maketh this matter a little plainer, these  
are the wordes; Thou shalt not giue him thy money to vsu-  
rie, nor lend him thy vitailles for increase. Loe, not only the  
increase of money, but of vitailles also is prohibited.

The third place is in Deuteronomie, so plaine and so eu-  
dent, as no man be he neuer so subtille, can by any colour auoid  
the same: these are the wordes; Thou shalt not giue to vsury  
to thy brother, as vsurie of money, vsury of meate, vsury of  
any thing that is put to vsurie.

Concerning the fathers, S. Hierom writeth in this maner,  
*Putant quidam usuram tantum esse in pecunia: quod prouidens  
scriptura diuina, omni rei auferit superabundantiam: ut plus*

5

6

Formally and  
materially.

Ezech. 18.v.17.

Leuit. 25.v.37.

Deut. 23.v.19.

Hier. in 1. cap.  
Ezech. lib. 6.

# The speculation

*non recipias, quam dedisti. Solent in agris framenti, & milij, vini, & olei, ceterarumque specierum usura exigi, siue ut appellat sermo diuinus abundantie.* Some men thinke that vsury is only in mony; which the holy scripture foreseeing, takes away the superabundance of euery thing; that thou receiue no more then that which thou gauest. They are wont to exact vsury, or as holie writ termeth it, ouerplus, of cozne, miller, wine, oile, and other things. Behold here, how vsurie is in all such thinges, as are consumptible with the vse. For in other things vsurie can haue no place. Let the Reader marke well my words, and vnderstand perfectly what I say.

*Usurie is one ly in things consumptible with the vse.*

*August in psal, 36. conc. 3.*

*S. Austen hath these wordes, Non pecuniam solum sed aliquid plus quam dedisti, siue illud triticum sit, siue vinum, siue oleum, siue quodlibet aliud, si plus quam dedisti expectas accipere, foeneratores.* If thou expect to receiue more then thou gauest, not only mony, but any thing more then thou didst giue, whether it be wheat, or wine, or oile, or whatsoeuer else, thou art an vsurer. Thus writes this holy & learned father, whose words are so plaine, as no glose is needfull for the same.

*Ambros. libr. de Tob. cap. 14.*

*S. Ambrose writeth in this maner, Et esca usura est, & vestis usura est, & quodcumque sorti accedit, usura est. Quod velis ei nomen imponas, usura est. Si licitum est, cur vocabulum refugis? cur velamen obtexis? si illicitum est, cur incrementum requiris? quod peius est, hoc vitium plurimorum est, & maxime diuitum, quibus hoc nomine instruantur cellaria.* Both meat is vsurie, and thy garment is vsurie, and it is vsurie, whatsoeuer is more than the principall. Giue it what name thou wilt, it is vsury. If it be lawfull, why dost thou refuse the name? why dost thou hide it with a vaile? if it be vnlawfull, why dost thou require more then thou gauest? And which is worse, many haue this fault, specially rich men, whose storehouses are furnished with the name. No, not only mony, but meat, cozne, garments, and what things, else soeuer, is flat vsury; if anie thing aboue the principall be exacted for the loane.

*Of the several kinds of Usurie, and their proper adiuncts. Chap. 5.*

*Usurie mental and reall.*

*There be two kinds of vsurie, to wit, mentall vsurie, and vsurie reall.*

*Mental*



## of Vsurie. of T

**Deuall** vsurie is, when one wisheth or expecteth ouerplus for the loane, but doeth not exact the same by any externall word or couenant. This kind is not subiect to restitution.

**Reall** vsurie is of two sorts, to wit, manifest, and palliate: manifest vsurie reall is, when surplussage is exacted for the loane, by expresse words of couenant: and this kind is not only a damnable sinne, but also bindeth to restitution.

**Palliate** vsurie reall is, when more then the principall is exacted for the loane, yet not by expresse and plaine termes, but in a secret and hid kind of bargaining. This palliate vsurie is a very detestable sinne, and bindeth the receiuer to restitution, although it be this day frequent (alas for pittie) in all kind of bargaining. For, howe often soeuer the seller selleth better cheape, because he receiueth the money before hand; or dearer, because he forbeareth his money till a day; so often doubtlesse is this palliate vsurie committed, and the ouerplus indeede exacted for the loane of the money. Provided euer, vnlesse the day be to his hinderance.

The example of the former, to wit, when things are solde better cheape for hauing the money before hand.

An honest poore neighbour being in great distresse, cometh to a rich couetous miser, & desireth to borrow some money for a time. **Wel** (saith the couetous man) you want mony, but you haue that which I would buy, and if not, you may prouide it to serue my turne. **What** shall I giue you for so many bushelles of corne, to be deliuered at such a day, and you shall haue present money to serue your neede: and because the poore man must needs haue money in hand, such is his necessity, the rich man, (though he will not in precise termes exact more money and manifest vsurie, because he would not be reputed an vsurer) yet doth he enforce his poore neighbour, on whome he ought by Gods lawes to haue compassion, to sell his goods at vnder value, and that he doth indeede for the very lone of his mony. For first the poore man might as well haue giuen him more mony in the kind, as for to prouide him corne at his day and rated price.

**Secondly**, the poore man would not haue beene bound to prouide corne at his day and price to his great losse and damage, if by any reasonable meane, he could haue prouided money in his need.

Note this point well.

The craftie dealing of the vsurer.

# The speculation

Note that  
this coine is  
usually bought  
of them, that  
haue none to  
bestow, which  
is too too abo-  
minable.

What heart  
will not lament  
such dealing?

1. Ioan. 3. v. 17.

God help the  
poore, and  
comforteth  
them in their  
miseries.

3 Thirdly the ouerplus of the coine indeed, was onely ex-  
acted for the loane of the money (as bypon al craftie vsurie.)  
For otherwise, he should and would haue granted the lone of  
the money freely, until the day in which he should receiue the  
coine. And withal he ought to haue taken the coine by the cur-  
rent price of the market, and not as his couetous mind did de-  
signe. Some couetous wretches deale more subtilly, but no  
lesse wickedly. For example, a poore man came next long si-  
thence, to a rich man, whom my selfe know, and his usual ma-  
ner of dealing, (the man that here be nameles, though neither  
before God nor the world blameles) and desired a borrow,  
3 s. 4. d. You haue a mare quoth the rich man, I wil giue ye  
so much for her: alas, saith the poore man, I may not forgoe  
her, for she is the best part of my poore liuing. Well, the rich  
man concluded, he would buy the mare for five nobles, & sel her  
again to the poore man for seven nobles, with a yere day for  
the payment, in which bargaine the poore man gaue no vsury,  
saue only two nobles for the loane of five: for which increase of  
money, the poore man kept still his owne mare in his owne  
hand: but alas, how did this rich man loue his poore neighbor  
as himselfe? I wil say no more herein, but that which Chrysostom  
Apostle said before me: he that seeth his brother neede, and  
shuteth by his bowels of compassion from him, how doeth  
leth the loue of God in him: this vsurer departed out of this  
life, euen while I wrote these things, whose sodain death with  
the circumstances thereof, may be a warning to all vnumerci-  
ful vsurers: the example of the latter, to wit, when things are  
sold dearer, for want of present payment.

A poore man cometh to his rich neighbour, to buy such  
things as he hath present neede to vse, here the richer sort, spe-  
cially the marchants, take great pleasure in oppressing the  
poore, in their most pittiful neede. Till yee buy of mee, saith  
the rich man, for present money, or to a certaine day: and when  
the poore man answereth, that he must needs haue it til a day:  
then the rich man valueth his wares at such an high price, as  
he extorteth most grieuous vsurie for the loane: for the forbea-  
rance of the money, is the sole cause of the surplussage in the  
price.

The



## of Usurie and T

**T**he first objection is, that if two rich men haue this yere diuers opinions, concerning the price of cozne, and he that thinketh it will be dearer the next yere, shall giue to him that thinketh it will be cheaper, xij. pounds presentlie for so much cozne to be deliuered then, as he can now buy for the same money, that kind of dealing is no vsurie at all, altho the cozne may then perhaps be sold for xxi. pounds: therefore it seemeth lawfull to sell cozne at a lesser price, for the payment of money before hand.

The answer.

**I** say first, that vsurie is neuer committed, (as is already proued) saue then onelie, when ouerplus is exacted for the loane.

**I** say secondly, that in the case propounded in the objection, there is no loane of money at all, neither expressed, nor yet palliate: the reason is this, because as well the buyer as the seller, exposeth himselfe to a nicere casual euent: for whether cozne will then be cheaper or dearer, neither of the twaine can tell.

**I** say thirdly, that if he who receiveth the money, were in present necessitie, and preloved to sell the cozne onelie or principally for the use of the money, the buyer exacting the same at his hands, then were that kind of dealing vsurie to be deere, howe soeuer the euent should afterward fall out: but when neither the seller respecteth the use of the money, nor the buyer extorteth any thing for the loane of the same, as in this casual bargaine, but both the parties stand vpon their prouident conjectures, & politicke diuinations, then doubtles, the formal reason of vsurie ceaseth, and the buying with the sale becommeth a lawfull contract.

The second objection.

**I**t is good reason, it cannot be denied, that if my neighbour shall giue me five pounds by the use of my twentieth pounds, then that he shall giue me three pounds for the loane thereof, for the delay and non-payment of my money, is the onelie and sole cause of his gaine.

The answer.

**I** say first, that howe soeuer the gaine fall out, yet may nothing be exacted for the loane, because god himself hath so appointed.

# The speculation

2 I say secondly, that the greater part of people are so farre from gaining thereby, as they are bitterly imponderised by the same. *ad hoc si quidam dicunt, quod non est in eis, qui non*

3 I say thirdly, that by the loane of money the proprietie thereof is altered, and the dominion translated to the borrower, and consequentlie, that when the lender extorteth anie thing for the use thereof, ipso facto he robbeth the borrower, and despoyleth him of his lawfull goods: this among the latter writers hath Melancthon well observed to his immortall fame.

Melancthon in de finit. theolog.

Money is not fruitfull as it selfe.

4 I say fourthly, that money is a thing so barren and unfruitfull of it owne nature, as it cannot produce any commodity without the industrie of man: and consequentlie, since the whole fruit thereof proceedeth from mans laborious travail, to extract anything for the use thereof, must needs be flat extortion.

**M**any obnoxious neighbours, are often greatly dammed by lending their money, and therefore it is good reason, that they should have some consideration for the same.

No consideration for the loan.

The answer. The answer is, that no consideration can iustly be exacted, for in respect of the loane, and yet the lesse, in certain cases, as when the loan is made lawfully, both bee given and required, which cases shall be made manifest, in the next chapter following.

Of the gaine ceasing, and losse ensuing, by the end and use of the loan.

**T**here be two things, to wit, the gaine that ceaseth and the damage or losse that ensueth to the lender, by reason of either of which ceasing, surplussage may be required, and that without anie usurie at all, for reason hereof is evident, because gaine ceasing, & losse ensuing for the loan of money, are things essentially and really distinguished, from the loan of the same: the example of the former, I have in ready money an hundred pounds which I purpose presently to bestow in coine for honest and lawfull gaine. Now it so falleth out, that my neighbor is very urgent to borrow this hundred pounds of me, to whom

Lucrum cessans.



## of Vfurie.

I condescend to lend it with mine owne hinderance, yet vpon this condition, that he giue me so much ouerplus, as woulde be the iust gaine, that ceaseth by reason of the loane: this kind of ouerplus is no vsurie, because it is not exacted for the loane, but for the gaine that ceaseth thereupon: yet in this case two things must be required, first that I intend in true meaning, to bestow my mony, as is already said, and thereby to seek honest & lawfull gaine: secondly that I exact no more ouerplus, then that that is trulie deemed, to be my surceasing gaine, the value of which gaine ought to be esteemed by indifferent men, which are expert in that kind of trade: for if I either exact more then the gaine ceasing, or in truth intend not to expose my mony for lawfull gaine, in way of honest bargaining, then is the exacting of such surplussage, become palliate vsurie indeede. By reason of this surceasing gaine, marchant men and other honest bargainers, may sundry times exact a greater price, when they sell their marchandise or goods to a certaine day: but heere I must require all marchants and other, especially the richer sort to marke well what I say: for although the seller may ever exact ouerplus for his truely surceasing gaine, yet may he not ever extort ouerplus, when he selles to a day: the reason hereof is euident, because to sel to a day, doth not ever prejudice or hinder his lawfull gaine, and so the formall reason of exacting ouerplus in this case lieth dead: for if the buier bring the money so soone, as the seller can and meaneth to bestow the same for honest gaine: then to exact any higher price for the day, is palliate vsury indeed. The example of the latter: I haue a sum of money which I am to bestowe in the necessarie reparation of my house, and that nam in the summer season: for if I shall let my house stay til the winter season, it wil not only be hurtful, but also much chargeable to me: in the meane time my distressed neighbour cometh to me, and in pittifull manner desired to borrow my money, whose neede I cannot reluse but with mine owne losse, as is already saide: in this case, to exact so much as amounteth to my losse, is no vsurie at all, for the ouerplus is not extorted, by reason of the loane, yet more may not be exacted then is or would bee deemed the iust losse, by the iudgement of indifferent men.

I  
1. I must say of  
this and others  
2  
Marke well  
my words,  
and iudge them  
of accordingly

It graue ad-  
uise to the sel-  
ler of any  
thing.

1. I must say of  
this and others  
2  
Marke well  
my words,  
and iudge them  
of accordingly

Dammum emen-  
gens.

3. I must say  
The iudgement  
of men indiffe-  
rent.  
1. I must say

# The speculation

The difficulties and of the question  
The debtors do often disappoint their creditors, and will not  
bring their money at the day assigned, in respect of which  
danger, it seemeth that a man may exact some reasonable over-  
plus, and so value his saleable things at an higher price.

To redeeme a  
mans herati-  
on.

The debtors  
ought not  
to be  
disappointed

The answer, that the seller may value his things at an higher  
price, when in true meaning he doubteth of the payment, be-  
cause so to deale is but a prudent proviso, to redeeme his iust  
detraction: yet here is to be observed, that the creditors must al-  
waies give the overplus backe againe, when the debtors pay  
the money in due time.

That usurie is flatly prohibited by the eight  
commandement, and also that it bindeth to restitu-  
tion.

Chap. 7. Chap. 8. Chap. 9.

The true mea-  
ning of the 8.  
commande-  
ment.

As was before said, the writers agree in this, that by the  
eighth commandement is not only prohibited theft, but rob-  
berie also, extortion, deceit, and al manner of dealings, by which  
we unlawfully take or possesse another mans goods, this case is  
so plaine, as no ancient father or approved latter writer, can be  
alleged to the contrary: for the definition of theft maketh the  
case evident, which by unisonie content of all writers is this:  
*Furtum est accipere vel occupare rei alienae, contra dominum*, theft  
is the taking or using an other mans goodes against his will.  
So then such the surplussage in usurie is another mans goodes,  
and unlawfully extorted, as is already proved. It followeth of ne-  
cessitie, that usurie is flatly and manifestly intreated, and that  
all usurers are bound to restitution, it is nothing so consertarie  
upon the ground already laid, as none either learning or ded-  
ition can deny the same: for the verities of justice (as the verie  
ethnick philosopher telleth) *est reddere cuique quod suum  
est*, is to give to euery man that which is his owne: therefore  
said good Zaccheus, that if he had done wrong to any man, hee  
would restore it foure folde: therefore willed holy Tobias to  
restore the kid, that he heard bleating in his house: therefore co-  
manded the lawe of Moses, that if any man did hurt field or  
vineyard

Luke 19. v. 8.

And, and so  
the man to  
the

Tob. 2. v. 13.

Wh  
rodg



# noiof Vfurie. IT

vineyard, or put in his beast to feede in another mans field, the same should make recompence of his own field, and of the best of his owne vineyard: therefore did the same law commande, that when anie mans come or other goods was destroyed by fire: he that kindled the fire should make full restitution: therefore said S. Augustine wisely and grauely, *Non dimittitur peccatum, nisi restituatur ablatum*: the sinne is neuer forgiven, vntil that which is wrongfully taken away, be restored again: and the reason hereof is euident, which S. Augustine wel obserued: to wit, that when a man will not restore things wrongfully taken from his neighbour, when he is able so to doe, that man cannot be truly penitent, and so neither can he attaine remission at Gods hands. I say (when he is able) because if an vsurer, theefe, extortioner, or other deceitfull dealer, be so farre wasted and become so beggerlie, that he hath not wherewith to make restitution in part or in al, then it is enough for such a one to aske God merrie, and to haue a willing mind to make restitution, when he commeth *ad pinguiores fortuna*, and is able so to doe.

Exod. 22. v. 5.

Exod. 22. v. 5.

Exod. 22. v. 5.

Aug. Maced. epist. 54.

Hereupon I infer first, that all vsurers, as also the children or heyres of vsurers, who possesse any lands, tenements, or goods, gotten or bought with the gaine of vsurie, are bound to make restitution for the same: which if it were duellie and truly put in execution, many that now a daies are reputed rich, would be as poore as their needy neighbours: but howe rich soeuer rich seeme in their owne conceits, or howsoeuer they be esteemed by the eyes of the world, yet are they most beggarly indeede, and will one day be so found, before the tribunall seate of our Lord Iesus.

The first corollarie.

I infer secondly, that all iudges & lawyers, who for bribes, friendship, or other worldly respects, do wittingly and willingly further evil causes, and by their pleading or sentence do debar poore men, from their lawful title to lands or goods, are bound to make restitution for the same.

The second corollarie.

I infer thirdly, that al iustices of the peace, bayliffs, constables, and other officers, who by reason of bribes or any other sinister respects, doe fauour the rich and mightie men against iustice, and thereupon do oppresse the poore and needy sort, are

The third corollarie.

# The speculation

strictly bound to make restitution, for all iniuries and iniustice done in that behalfe.

The fourth  
collarie.

I inferre fourthlie, that al marchants, artificers, and others that vse to buy and sell, who in their merchandise, occupati-  
ons, or in buying and selling, vse any fraud or deceit, are bound  
to make restitution, for al their deceitfully gotten goods.

The fifth col-  
larie.

I inferre fifthlie, that whosoever get their neighbours goods  
fraudulently, by carding, dicing, shooting, or other dispozte  
whatsoever, are bound to make restitution for the same.

The sixth col-  
larie.

I inferre sixthly, that whosoever will not make restitution of  
goods vnjustly gotten, and for iniuries done to his poore neigh-  
bours, can not be the child of God.

Of the obiections made in defence of vsurie.

Chap. 8.

The first obiection of the etymology of the word.

**V**surie in the originall, and sacred hebrew tongue, doth  
signifie nipping or hyting: which etymologie doth flatly  
insinuate vnto vs, that so often as our neighboz doth gaine by  
taking our money to vsurie, so often is vsury lawfull and no sin  
at al: yea, when our neighbour gaineth by giuing vsurie, hee  
cannot doubteles be oppressed by the same: and yet is oppres-  
sion the sole and onely cause, why vsurie is prohibited by  
Gods law.

The answer.

I say first, that vsurie is called in Greeke, byinging  
forth or increase, comming of, which is to giue to vsu-  
rie or increase: and it is sely so termed, because it multiplieth  
or breedeth beyond al measure, for I heard of one that began  
but with a shilling, and lent it for a penie in the weeke, and  
so became verierich in a few yeares. I heard of another, that  
lent a hundred pounds for ten the first yeare, for xx. the second  
yeare, for xxx. the third yeare, for xl. the fourth yeare, for 50.  
the fifth yeare, so that when he had payed the principall, hee re-  
mained 50. pounds indebted yearly for the same. But this  
matter is so cunningly handled now a dayes, that the greatest  
vsurers indeede, would be thought no vsurers at all. For whe-  
ne commeth to borrow money on them, they say they haue  
none, but yet they will let them haue wares, and procure a

friend

They say  
they haue  
that know not  
how to vse  
them.



## of Vsurie.

friend to buy the same, againe for ready money: which palliate vsurie, hath made some that I know, to sell their whole inheritance. I heard of another poore man, who came to a rich cottager to borrow money, but received this answer, I haue no money to lend (quoth the rich man) but thou hast a good mare, for which I will giue thee five nobles, and so thou shalt haue money to doe thy needes: alas quoth the poore man I am not able to spare my mare, because shee is the greatest part of my poore living. wel saith the rich man, thou shalt presently haue her againe til a day, if thou wilt enter into bond, to giue me seauen nobles for her: to which lamentable extortion, the poore man was forced to yeeld. The fact is notorious, my selfe knew both the parties right well, as I said before, this vsurer to the ensample of al others hath lately made a miserable ende.

I say secondly, that in Hebrew it is called Neshech of the roote Nashach, which doeth signifie to bite, and that very fitly, because it biteth poore men pittifully, and as it were gnaweth al their silly substance from them.

2  
Leui. 25. v. 36, 37

I say thirdly, that the gaine of the borrower, cannot make vsurie without biting: the reason is manifest, because biting is included in the formal cause thereof: for as it is already proued, in things consumptible with the vse, the dominion thereof is translated by the loane. & to exact surplussage for the vse of a mans owne, is mee re iniustice and flat extortion. For example, if a rich Landlord should borrow of his poore tenant tenne pounds, & would not repay the same thankfully, neither at all without some gaine, if then the tenant not able without greater damage to recouer his money, should giue to his landlord 40. shillings for the peaceable payment thereof, in such a case the exacting of 40. shillings were mere iniustice and flat extortion: and yet for al that, the poore tenant should gaine by giuing the 40. shillings: ad hereunto that money of it owne nature is fruitles, and would yeeld no gaine at all without the industrie of man, that imployeth it to vse.

3  
This aduice must be remembered.

The second obiection.

God himselfe allowed vsurie in the Iewes, when they took vsurie of Strangers onelie, but not one of an other. Usurie

Deut. 23. 30.

# The speculation

therefore is not simply evil, for God neuer approueth liues.

The answer.

1 I say first, that as one Jew might not take vsurie of another, because they were al brethren, no more may one christian of another; as who are al brethren created by one and the same father, redeemed by one and the same sonne, sanctified by one & the same holy Ghost, three persons and one God: and therefore do we al ioyntlie pray, Our father which art in heauen.

2 I say secondly, that God dispensed with the Jewes for the hardnes of their hearts, that they might by vsury oppresse strangers, that is to say, the Amalechites and Ammorites, Gods enemies and theirs, because they had iustly deserved to be dispossessed, not onely of their goods, but of their liues also: for God the eternal law maker is not so tied to his law, but that he may at his good will and pleasure dispence with the same: and therefore said Christ himselte, to the Pharises, when they charged his disciples with the breach of the sabbath, that the sonne of man is Lord, euen of the sabbath, and according to the common receiued axiome, *privilegium paucorum non facit legem communem*, a priueledge granted to some few, cannot establish a common law: yea, St. Ambrose sheweth in a large discourse, that the taking vsurie of the Amalechites and Ammorites, cannot make vsurie lawfull amongst vs christians; who so listeth may reade his words in his learned booke *de Tobia*.

Divine dispensation,

Mat. 12. v. 8.

Ambr. in libr. de Tobia ca. 14.

The third obiection. It is lawfull for to take increase of money for the deliuerie of money at such a time in such a place: for example, I may take ouerplus in gold at Paris, to deliuer gold at Lyons, Genoa, Milan, or Rome: for this is daily practised and neuer reproued by any learned writer. I may therefore in like manner, for the deliuerie of present money in January, receiue increase of money in december, and not thereby sinne at all.

The answer.

I answer, that in these two cases great difference may be found. For in your deliuerie of present money, increase is exacted only and solely for the loan. But in the other deliuerie, increase is required for assurance sake: that is to say, the

partie

The answer.

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## of Vfurie. IT

partie that deliuereth money or gold at Paris, is in feare to fall among theeues, and so to be dispoiled of all he hath: in regard whereof he commeth to a banker, who partly of charitie, and partly to get an honest liuing, keepeth seruants at Milan, Lions, and Genua, with a stocke of money in euery place. To this banker the traoueller giueth a competent consideration, that he may haue his ticket to receiue so much money, when he comes to such a place, or to his iourneis end. Which increaseth this banker taketh not for the loane of his money (for hee may rather be said to borrow then to lend) but for the safe deliuerie of my money at such a place, and for the charges he is at, by keeping seruants to that only end. Which thing is so farre from being vsurie, that it is a very commendable and charitable act. Yea in those countries where these bankes be allowed, al vsurie is utterly condemned. And such as be knowne vsurers without satisfaction to the parties damnified, cannot be buried among other christians.

### The fourth obiection.

If a man giue an hundred crownes in hand, hee may haue for the same out of the bankes at Rome, at Genua, and at other places, twelue crownes yeerly for the terme of his life: or ten crownes yeerly to him and his assignes for euer. Which increaseth is giuen for paying the money before hand: and yet no learned man did euer reprove this kind of dealing, but rather hath highly commended the same.

### The answer.

Answer, that in these kinds of banks, there is no vsury at all committed, the reason hereof is this: because these bankers haue lands in fee simple, out of which they graunt for so much in hand, either a yeerly rent of so many crownes for euer, or at least for terme of life. Which to do is a lawful contract, as which is nothing else but to sell for an hundred crownes in hand, the yeerly rent of ten crownes for euer. And the same thing may be proportionably verified, in all other like banks and contracts.

# The speculation

Of certaine doubts or difficult questions, tending  
to the perspicuous explication of  
Vsurie. Cha. 9.

## The first question.

**T**here is in sundrie countries, a banke called *mons pietatis*,  
the mountaine of pietie. This mount or banke was found-  
ed by certain deuout persons, so then and this day esteemed,  
for the honest help of poore and needy folke. And this *mons pi-  
etatis* is virtually practised, in many famous vniuersities. The  
case thus standeth; certaine men hauing a charitable care howe  
to prouide for the poorer sort, that they might borrow money  
in their neede, and not bee oppressed with vsury, gaue great  
summes of money to be kept in a banke, and appointed cer-  
taine chosen seruants, for the giuing out, and the taking in of  
the said money. Which seruantes haue in charge, to lend to  
poore folkes such summes of mony as they neede, vnto a very  
reasonable day. Yet, lest the mount should in time be spent and  
consumed, they haue prouidently made this double prouiso.  
1 First, that they which borrow the mony, shal deliuer some suf-  
ficient pledge for the repayment of the same, at the day or  
2 daies appointed. Secondly, that they which borrow the mo-  
ney shall giue some competent consideration to the saide ser-  
uants, who continually attend for the deliuerie and receiuing  
of the money. Now would I know, why this kind of dealing  
is not vsurie.

*Mons pietatis  
est vsuria.*

*It prouident  
cautele and  
prouiso.*

## The answer.

I answer, that here I behold great charitie, but vsurie I  
can find none. For nothing at all is taken for the loan of the  
mony, but for the necessarie maintenance of the seruants, who  
attend continually for the conuenient helpe of the borrowers.  
To which consideration, if the borrowers shoulde not provide,  
neither could the banke endure, neither the pledges be kept in  
safetie and good order. For the pledges or gauges are of sun-  
dry sortes, and oftentimes can not be kept, without both cost  
and care. May it they take aboue measure, I grant that it is  
hard dealing, and contrarie to the true meaning of the found-  
ers.



## noī of Wharic. T

The second question.

You said before, that it is not usurie, when one taketh consideration for his gaine ceasing: which if it be so, then may all blurers be excused, for whē the blurer lendeth out his money, that gaine doubles ceaseth, which he might make thereupon.

The answer.

I say first, that rich men, who haue great store of money, are bound by Gods lawes, not onely to lend their money without gaine, but also to giue it freely, for the necessary reliefe of their honest poore neighbours: for as S. Iohn saith, he that hath the wealth of this world, and knoweth his brothers neede, and shutteth vp his bowelles from him, in that man dwelleth not the loue of God. When thou comest to the Church to pray saith S. Chrysostome, bring thy reward in thy hand: giue to them that want, and aske of him that hath, that thy prayer may be commended with good works: the hand of the poore saith Rauenius is the treasure of Christ, and what the poore receiue, that Christ accepteth, which saying our Saviour Christ confirmeth in the gospel, telling vs, that if one giue but a cup of cold water to the poore for his sake, it shal not be without reward. why saith S. Basil, is one made rich and another poore, but that God will reward the fidelitie of the one, and the patience of the other: It is the bread of the hungrie which thou hast, the coate of the naked, which thou lockest vp, the shooe of the barefooted, which thou holdest, the money of the needie, which thou possessest, wherfore thou killest so many as thou canst relieue and wilt not. This saith S. Ambrose, is to kill a man, to denie to help him in his need: beware lest thou shut vp in thy bagges, the life of the poore: wilt thou be a fine merchant and rich blurer, saith S. Austen: the giue that thou canst not keep, to receiue that thou canst not lose, giue a little to receiue much: giue temporall possession, to attaine eternal saluation. I neuer read of any man saith S. Hierome, that made an ill end, who in his life time, cheerfully exercised the works of charitie. And Christs holy Apostle confirmeth al this, when he pronounceth it to be the pure and undefiled religion before God, to relieue the fatherlesse and widowes in their needfullie, our cruel blurers then, are of a new no religion, and god wil one day damne them

highly indignant  
J. 1004

1. Iohn. 3. v. 17.

Chrysost. hom. 9  
in Math.

Rauen.

Math. 10. v. 43.

Basilus.

Ambr.

August.

Hier.

Iac. 1. v. 27.

# The speculation

Note wel this point.

them out of his mouth: for the which cause such blurers as will not make restitution before their death, of al goodes gotten by usurie, cannot be permitted in many christian countries to be buried in christian mens buriall, for such sharpe punishment seemeth detestable usurie to deserve.

2 I say secondly, that when overplus is taken for game truly ceasing, no usurie is or can be committed, albeit the partie that taketh the overplus being a rich man may sinne grievously against the rule of charitie. I say (truly ceasing) because merchants and other bargainers do oftentimes cease, when there is no such true ceasing at al.

3 I say thirdly, that the notorious blurers, who will no way employ their money but to get game by the loane thereof, (of which sort are they, that have sold their lands to get money to lend for game) can never truly pretend the ceasing of game, for since money is fruitless of it owne nature, as is already said, there can no game truly cease to him thereby, who never meant to put it to honest use.

I say fourthly, that other rich men, who be honest bargainers for honest game, cannot for al that truly pretend the ceasing of game, when they lend money to their needie neighbors, at such time and times, as they neither would nor could be slow the same, during the time of such their loane.

The third question.  
What say you to those merchant men, that sell their wares continually for more when they give a day, and take lesse when they receive money in hand: for this is a thing most common nowadays, not onlie with marchants and mercers, but even amongst al other bargainers.

The answer.  
1 I say first, that albeit the greater part sell dearer for the day, (the more in the world) yet can be charged for it, many well disposed persons, (of whom my selfe am wel acquainted with some) are so farre from that kind of dealing, as they utterly abhorre and detest the same.

2 I say secondly, that when the forbearance of the money till such a day, is true and without fraude prejudicial to the seller, because he cannot use his money in due time, then for that

end



## noie of Vsurie. ¶ T

ent; and in that respect, he may take competentlie, for his labor  
that firtensing-gaine: but when his money is so paid; and in  
such time, as the seller is no way damaged thereby, the and in  
such a case, he can take nothing for the day, without the crime  
of vsurie.

### The fourth question

¶ What say you to those merchants and others, who are so  
rich, that they haue alwayes good store of gold and money lo-  
ked up in their coffers, and yet sel dearer to the day, & to those  
who though they be not so rich, yet neede they not the money,  
before the day, and yet for all that sell their wares and goods  
dearer for the day.

The answer.

I say first to the former sort, that they are not only vsurers,  
but also extortioners; and cruel murderers of their christian  
neighbours: neither is this my bare doome, but the flat iudge-  
ment of Christ himselfe, and of all the holy fathers.

I say secondly to the latter sort, that they are tangled with

the crimes of vsurie, and consequently bound to restitution.

The first question.

Is it vsurie to lend our kine or sheepe after a competent rate,

and to receive the stocks againe.

The answer.

I say first, that kine and sheepe be things fruitfull of their  
owne nature, and therefore may be lent out for gaine, and that  
without vsurie, or other iniustice at all.

I say secondly, that when kine, sheepe or other cattell, are

lent out, or set out for gaine, with expensur, bonds or re-

store the principall, or the iust price thereof, what euent soeuer

befall, then the gaine takē in that order, and with those circum-

stances is flat vsurie, is cannot be denied: the reason hereof is

entirely because other and besides the overplus taken for the ser-

uice of the cattell, the lender requirerth securitie for the prin-

cipall, and thereby reason of the loan, and consequently the do-

minion of the principall is translated, which is the formall rea-

son of vsurie: for when any thing perisheth it perissheth to the

owner, and not to him that hath no title thereunto.

I say thirdly, that he, who lendeth or setteth over to his

# The speculation

poor neighbours, kine, sheepe, or other cattel, after a reasonable and competent rate, without covenant or bond to deliver the principal againe, in as good case, state, and order as it was received, both a very charitable act, but committeth no usurie at all.

The replie.

Qdary lie, if this be so, then must I be at great charges, and suffer in no small losses at his hands, who hires my horses, sheepe or kine, and so for doing good to my neighbour, he utterly impoverishes my selfe, but I will none of that, I thank you.

The answer.

I answer, that the case is farre otherwise: for if your goods be hurt or miscaried any way, by the negligence or default of him that borroweth or hireth them, then both in conscience and by the course of the common law, he is bound to make satisfaction for the same: and thus much you may draw into covenant if you list, without any suspicion of usurie at all: but if I hire your horse, kine, or sheepe, and so to them that which an honest man ought to do, then if they die, or otherwise miscarry, your selfe must stand to the losse, and not I, for the goods are yours, and not mine, they must perishe to you the owner, & not to me the hirer: if you defend the contrary, you fall into the flat case of usurie.

The second question.

A friend of mine gave me an hundred and thientie pounds freely, so as I must never pay the principall againe: but yet with this promise, that I must give to him during his naturall life, thientie pounds by yeere. I know not if this be usurie.

The answer.

I answer that it is no usurie indeede, but a verie lawfull contract or bargain, termed of the Latines, do vt des: the reason is evident, because here is nothing taken for the loaner, and besides this, it is a meere casual contract, putting the receiver in farre better state, then he was before: for the giver may die the next day, and so the receiver have the principall for nothing at all. Again, if the giver should live as long as the common sort of men do, peradventure the receiver be at no losse, unless

The contract  
is lawful in law.  
Domen.



## of Vfurie. T

vnlesse his otone negligence were in default.

The replie.

Then it is no vsury if I lend my neighbor twenty pounds, vpon this condition, that he shal giue me thirtie pounds, if I be liuing at the end of the halfe yere, and if I die before, he shal be bound onely to pay the twenty pounds againe: indeede many good men vse this kind of dealing, and I am glad to heare you say, it is no vsurie.

The answer.

I say first, that you seeme to interpret my instruction according to your owne best liking. I

I say secondly, that there is great disparitie, in these two proposed cases: for in the former, the principall must neuer return to the giuer, neither is there any thing exacted, in respect of the loane: but in the latter, the principall must euer be restored; and that which is exacted, is in respect of the loane, for no other consideration can be perloved: and therefore this filthy lucre, is detestable palliate vsurie.

I say thirdly, that the dealing is plaine diabolicall, howsoever the worldlings esteeme thereof: yea, the practitioners are so far from being good men, that they are thereby become the catchpoules of satan: for as S. Ambrose hath wel concluded vnto of the holy wryt, if they be blessed that giue not their money to vsurie, as the holy Prophet of God auoucheth plainly, then doubtles are they accursed, that practise vsurie and reioyce therein.

Ambr. in libr. de Tobia.

Psal. 15.

The seventh question.

It was euer thought lawfull, to set ouer the portions of infants for gaue, neither to this day hath any learned man reproued the same: what therefore must we thinke thereof?

The answer.

I say first that many things haue bene often by learned men reproued, which were seldome or neuer wholly reformed.

I say secondly, that the least sinne may not be committed, to gaue the whole world vnto vs: for as the learned men haue collected out of S. Paul, *non sunt facienda mala, vt inde euentiant bona*: euill may not be done, that good may come thereupon. We may not steale from a rich man, for the reliefe of

Rom. 3. v. 8.

## The speculation

The portions  
of infants.

the poore: the causes and cases of infants and poore folks, are to be favoured indeede, but yet euer with iustice, and neuer with sinne: and therefore we must iudge of lending or setting ouer the ouerplus of infants, euen as we doe of other things: that is to say, if the portions be in money, then to take any thing for the loan, as the maintenance of the infants, or some consideration to that end is flat vulture indeede: if the portions be in lands, or other goods that be fruitfull of their owne nature, the competent consideration may be had, for the increase of the same. Alwaies provided, that if the goods miscarrie without the negligence or other default of the borrower, that then as is already said, they perish or miscarrie to the lender, who onelie and solely hath the dominion thereof.

**The replic.** If the poore infants may haue nothing, in consideration of the vse of their portions, then will their portions often be consumed, or at least much wasted, euen during their non-age and minority.

By the way  
of gratitude,  
but not of  
compulsion.

**The answer.** Neither law, conscience, nor reason, doth or can make a man in worse condition for bestowing a benefit, then he was before the gift thereof: and therefore, as he might afore accept of a free donation, so may he much more after his good desert, receiue that which is freely given him, in the way of gratitude. By answere now is, that since, as the common prouerbe saith, (one good turne deserueth another) and since ingratitude as well by the law of nature, as by the lawe diuine, is reprobued for a grievous sinne, it followeth consequently, that whosoever reapeth commoditie by taking an infant, with his portion, and will not to his power make thankfull compensation for the same, may iustly be condemned of ingratitude: yet as he is to be condemned of ingratitude, if he render not thankfully of his owne accord, so if he be compelled by bond or covenant thereto, then by and by is committed the sinne of vlturerie in things fruitfull: some consideration may be had, according to the true sense already touched.

**The eight question.** If plury be so grievous a sin, what shall we say to the lawes of this Realme, that this way approue and allow the same?



# of Vfurie. ad T

The answer.

I say first, that they who seeke thus to defend their abhomi-  
nable vsury, commit no small trespasse against the Queenes  
most excellent maiesty, & the godly settled lawes of this realme.

I say secondly, that the lawes of this realme do not approue  
vsurie for good, but barely tolerate the same punishment in  
some degree, so to auoid and eschew a greater euil. I proue it  
by a double reason: first because the common law doth punish  
al vsurers, that take aboue ten in y hundredeth: secondly because  
the common law referreth al vsurers from the highest to the  
lowest, to be punished by y eclesiasticall cēfures of the church:  
Where the least vsurie may this day be charplie punished in  
this Realme of England, if due information be made thereof:  
and if such fautes in some places at some times, passe unpuni-  
shed after information giuen, (of which kind of dealing and the  
like, the poore people make pittifull complaints God wot)  
that cruely must bee imputed to the iniquitie of the inferiour  
Magistrates, who now and then are corrupted with flatterie,  
friendship, or gifts, and not to the iust and godly lawes of this  
Realme.

The replic.

Sundrie learned men do hold, that the ciuill Magistrate is  
appointed by God to punish malefactours, and therefore may  
not collerate or leaue any sinne unpunished.

The answer.

I answer, that albeit some otherwise learned in deede, doe  
hold the contrarie opinion, yet do I repute it for an vndoubted  
truth, that Kings, Queenes, absolute Princes, and independ-  
ent Magistrates, may in certaine cases vpon godly conside-  
rations, either collerate sinne unpunished, or pardon malefac-  
tors: for otherwise we must not onely condemne her excel-  
lent maiesty, that now happilie raigneth ouer vs, but also all  
her most noble progenitors, yea and al other kings at al times  
in al ages, throughout al the christian world: for when was the  
king, and where is the kingdome, in which kings vpon good  
causes, haue not pardoned malefactours: the time cannot be na-  
med, the kingdome is unknowne. Now for the exact handling  
of this point, (because it is not onelie pertinent to my present  
cheame,

And also  
similadine

Good lawes  
are: sometimes  
slowly put in  
execution.

Good lawes  
are: sometimes  
slowly put in  
execution.

And also  
similadine  
Note the ph-  
etie of al chris-  
tendome.

# The speculation

The first  
foundation.

Act. 15. v. 28. 29.

Let this point  
be well marked

The second  
foundation.

The usual  
punishment  
of malefactors  
may be changed

theame, but necessarie also for many other respects) I thinke  
it to the purpose, to lay downe some strong foundations in  
that behalfe. First, this is a constant maxime, approued by vni-  
uforme consent of all learned diuines; *cessante fine legis cessat  
lex ipsa*; when the small cause or ende for which the law was  
made, ceaseth, then both the law euen of necessitie also cease.  
This foundation is grounded vpon the holie Scripture in the  
15. of the Acts. Where by the flat decree and settled law of the  
Apostles, we are bound to abstaine from bloud and strangled  
meates. This notwithstanding, no man hath this day any  
scruple of conscience to eate the same: and yet herof no other  
sound reason can be peeld, saue onely that the end for which  
that law was made, did long sithence cease. For euen at that  
time there was no precise necessitie to abstain from bloud and  
strangled meates. But this law was only made in respect of  
the state of that time, that the Gentiles and the Jewes might  
live more peaceably together, and thereby auoyde al occasion  
of quarrelling. And therefore as soone as that end ceased, this  
law also ceased with it; and so we this day are freed from the  
same. Yea this maxime is euident *lumine naturali*, euen by  
natural reason. For euerie law is made for some end; which  
end how ofte soeuer it may be accomplished without the law,  
so often the execution of the law is needlesse.

Secondly, we must hold this for a constant foundation, that  
albeit the ciuil magistrate be commaunded to punish malefac-  
tors; yet is neither the kinde of the punishment, nor the quan-  
tity thereof taxed by the law of God; but it still abideth indis-  
creet, to be determined by the supreme ciuil magistrate. For  
although there were speciall punishment prescribed in the iu-  
diciall law of Moses, for transgressors of the sabboth, for ad-  
ulterers, for murderers and such like; yet neither by the lawe  
moral, neither by the law of the new testamēt, to which laws  
only we christians are this day bound, is any such punishment  
determined. And therefore the ciuil magistrate (if it so seeme  
good vnto him) may change the usual punishment of theues,  
(which with vs is to be hanged) and cause them to be cast into  
the bottome of the sea, with millstones about their necks. And  
the same may be said, of the punishment for other malefactors.

Thirdly,



# Of Vsurie. T

Chiefly, we must repute this for an vndoubted foundation, that the end for which Gods lawe appointeth malefactors to be punished, is the publike peace and good of the whole common-weale. For this is so euident by the course of the whole scripture, as it can neither with learning nor reason be denied.

The third foundation.

Out of these three foundations thus firmly stablished, these two collaries may euidently be inferred. First, that whensoever any member of the common-weale committeth any capital crime, for which he ought to die by the lawe, whose life notwithstanding is more profitable to the weale publike, than his death; in such a case the prince may pardon such a malefactor, and not thereby sin at all. Which thing christian princes seeme to respect, when in the time of warres they see such felous at libertie as are able to doe service in defence of the realm. Secondly, that when any malefactor is so mightie or so strongly seated, that the prince cannot without probable damage of his royal person, or great damage to the commonweale punish the said malefactor; in such a case the prince may tolerate such a malefactor unpunished, and not thereby sin at all. These foundations and these illations once well vnderstoode and marked, this important controuersie can not but be manifest & neuertheless I will adioyne certaine sound reasons hereunto for the better confirmation of the same.

The first collary.

The second collary.

## The first reason.

It is a common axiome receiued of all as wel Ciuilians as Diuines; *quod lex non obligat ultra intentionem legislatoris*, that the law doth not binde a man beyond the intention of the law-maker. Whereupon I inferre first, that the ciuill magistrate may dispence with his owne law. I inferre secondly, that the prince being Gods minister, may tolerate or pardon malefactors; when and so often as such toleration or pardoning tendereth to the common good of the publike weale. The reason is euident, because the intention of God the supreme law-maker, was euen that and none other, when he appointed his ministers to punish malefactors.

The first reason.

1

2

## The second reason.

It is a great sinne, condemned as well in scripture as in diuinitie, it neither will nor can be denied. It is the exceeding,

The second reason.

## The speculation

concerning the the of the better liberalitie. This notwithstanding  
 among christian kings, as far as I can learne, haue ever toll-  
 erated y<sup>e</sup> same unpunished at least in some degree; neither were  
 they for such tolerations repproued at anie time by any ancient  
 approued writer or learned father who soeuer. Which doubt-  
 lesse is much ought to be so reputed, as an argument of no small  
 importance. For although emperours, kings, and other chur-  
 may and no sin as well as others of meaner calling, yet neither  
 haue they, neither euer can they liue intrepidly, if at anie  
 while they liue in such a manner; either by establishing wicked laws  
 publicly, or by suffering their subjects to shake halloes of  
 Gods lawes dishonourably. For God will reuenge oppressors of  
 innocents to Abraham, and neither to be, nor euer will he be de-  
 stitute of faithful courageous seruantes; who will continually doe  
 without all feare, repproue all such as contemne his holy lawes.  
 He hath written on the wall of his Ierusalem, who will  
 repproue sin continually; and neuer keep silence any longer.  
 He is not without his Elias, that will stoutly repproue all wick-  
 ed Achanes. He hath in store a Daniel to condemn all naughty  
 iudges, and to acquit his faithful Susannes. He will find  
 a prophet to rise out against idolatry, and to teach every scur-  
 lou to his duty. He will raise up will polittie another Iohn Bap-  
 tist, to speake boldly to all bloody Herodes. And yet in so ma-  
 ny hundred yeeres, such tolerations haue not beene repproued  
 to my knowledge, by any learned writer.

The third reason, is a generall axiome, receiued not only in diuinitie, but  
 in philosophie also. That the lesser is to be chosen. And so speaks who plainly  
 that which is often sin, it is to be absolutely considered, the same  
 done respectiue. And we no sin at all. For example sake, what  
 better is against the law of nature, and yet to kill one neighbour in  
 our owne defence, both is and was was reputed lawfull. For  
 for a man to cut off his arme or leg, lest the whole body putr-  
 fie or perish, is a very lawfull thing. Which thing all christian  
 kings seeme to respect, when they in sundry cases, tolerate sin  
 unpunished. For I haue thought that we should be more diligent  
 in their realm, by punishing, than by tolerating the same.



## Of Marriad T

in such cases. For if kings should at all times punish all male-  
 factors, the church of God should often thereby want many  
 most excellent and profitable members. For which respect our  
 Saviour himselfe telleth us, that when the tares can not be se-  
 vered from the good corne, unless both be pulled up together,  
 then may they tolerate the tares or weeds with the good corne  
 even till the harvest: as if he had said, when the wicked can not  
 be punished, but with great damage to the good, then may they  
 tolerate such malefactors unpunished, and not there-  
 by sinne against God.

Math. 13. v. 30.

The fourth reason which is insoluble and  
 irrefringible.

The blessed man Moses so highly renowned in holy wri-  
 ting, and so great in the fauor of God, pardoned great malefactors,  
 in the heinous crime of diuorce. And this hee did to auoide a  
 greater euill, that is, lest they vpon euery light cause should  
 poison those wiues, whome they did not loue. For that such  
 light diuorcement was onely permitted, but neither by God  
 nor Moses approued. I will demonstrate by these important  
 reasons. First, because these are Christs owne words, Moses  
 because of the hardness of your hearts, suffered you to put  
 away your wiues, but from the beginning it was not so. Se-  
 condly, because the marriage after such light diuorce, was in-  
 deepe villawfull by the law. For thus writeth St. Paul, know  
 ye not brethren (for I speake to them that know the law) that  
 the law hath dominion ouer the man, as long as he liueth: for  
 a woman which is in subiection to a man, is bound by the law  
 to the man, while he liueth; but if the man be dead, she is deli-  
 uered from the law of the man. So then, if while the man li-  
 ueth she take another man, she shall be called an adulteresse. Out  
 of these words I note first, that marriage cannot be dissolved,  
 during the life of the former husband. I note secondly, that  
 it was so euen in Moses law, because St. Paul saith he spea-  
 keth to them that know the law. I note thirdly, that to be ma-  
 ried after this sort, for a light cause, during the life of the former  
 husband, is plainly and not doubtfully a sinne. Therefore conclude, that  
 to tolerate sinne unpunished vpon good cause, is lawfull in all  
 this mine assertion of diuorce, is not only grounded vpon

The fourth  
 reason.

Math. 19. v. 8.

Rom. 7. v. 2, 3.

# The Speculation

the scriptures, but also confirmed by the best approued fa-  
thers, and eke by the late writers of this our age.

## The first reason.

The first reason.

1. Reg. 35. 35.

2. Reg. 3. 6. 32.

1. Reg. 3.

3. Reg. 2. v. 19.

The first reason.  
Aug. epist. 119.

Aug. epist. 54.  
ad Macedon.  
Rom. 8. v. 11.

Paulus ad Phi-  
lemonem.

The seventh  
reason.

Math. 2. v. 19.

We haue many examples in the holy scriptures, of blessed  
kings who haue often pardoned malefactours, and to this day  
were neuer repoyred for the same: King David a man full of  
the holy ghost, pardoned wicked Nabal at the petition of his  
vertuous wife Abigail. The same king David pardoned Ab-  
ner, who rebelled against him for the house of Saule: the same  
king David tollerated Ioab in his naughtie dealings, altho he  
was more then a little offended with his mannere. The same  
king David tollerated cursed Shemei, though he commanded  
his son Salomon doe execution on them both, after that him-  
selfe was dead.

The sixth reason out of Saint Austen.  
Saint Austen saith plainly, that the church doth tollerate  
many euils, which she doth not approue: and the same saint  
Austen in his epistle to Macedoniu, proueth by the ensample  
of Christ, that not onely secular magistrates may give pardon  
to offenders, but also that clergie men may require the same at  
their hands: our Lord saith he, made sure that the woman ta-  
ken in adultery, should not be stoned, and by that fact commen-  
ded to be the office of intercession: yea, Saint Austen was  
greatly offended with the Magistrates of Africa, if at anie  
time they denied his request therein: the difference is onely in  
this, that we must do that by prayer, which he did by terrour  
for he was the Lord, & we are his seruants: this and many o-  
ther reasons S. Austen vseth, which whoso listeth may reade  
at large, in that learned epistle which he wrote to Macedonius,  
whereunto agreeth S. Pauls intercession vnto Philemon, for  
Onesimus his seruant.

The seventh reason out of S. Ioseph his holy fact.  
The blessed virgin Marie, was found to be with childe by  
the holy ghost, before Ioseph & she came together: wherefore  
Ioseph because he was a iust man & would not put her to open  
shame, was minded to put her away priuily: thus recordeth the  
holy scripture. Out of the which words I note first, that Ie-  
seph knew the holy virgin to be with childe. I note secondly,



## of Vfurie. and T

that he knew himselfe not to be the father of the childe, I note  
 thirdly, that Ioseph knewe no other, but that Mary his wife  
 was an adulteresse. I note fourthly, that he thought to haue put  
 her away secretly, so to keepe her from shame and punishment.  
 I note fifthly, that Ioseph was euen then iust, when he sought  
 to keepe her from shame, although in his iudgement she de-  
 serued death by the law.

The first obiection, *Quia inferior, non potest alterare legem superioris.*  
 No inferiour, hath power to alter the law of his superiour,  
 and therefore man can not pardon or tolerate malefactours,  
 whom God appointeth to be punished.

The answer.

I say first, that precepts deliuered to vs in holy writ, are  
 of two sorts, some affirmatiue, other some negative: the ne-  
 gatiue binde vs at al times, euerie houre, and in euerie place,  
 but the affirmatiue, though they be euer apt to binde, yet doe  
 they not actually binde vs, saue then onely, when the due cir-  
 cumstances of time, place, and persons do occurre: hereupon it  
 comes, that it is neuer lawfull to steale, neuer lawfull to com-  
 mit adulterie, neither lawfull to beare false witness, neither at  
 any time nor in any place: the reason hereof is this, because  
 these be precepts negative. This notwithstanding, it is some-  
 time lawfull to omit the precepts affirmatiue: for example sake,  
 it is lawfull sometime to smite him that smiteth vs, and yet it is  
 Gods commandement, that whoso shal smite thee on the right  
 cheeke, to him thou turne the other also. Again, it is Gods  
 commandement to giue him thy cloake, that wil sue thee at the  
 law, & take away thy coat, and yet maiest thou at sundry times  
 for sundrie respects, denie him both thy coate and thy cloake.  
 thirdly, it is Gods commandement to goe with him miles  
 twaine, that wil compell thee to go one, and yet maiest thou  
 sundry times denie, to go with him either more or lesse: fourth-  
 ly, it is Gods commandement neuer to turne away from him,  
 that would borrow money or other goods of thee; & yet maiest  
 thou sundry times for good respects deny to lend thy money or  
 other things: fifthly it is Gods commandement not to aske thy  
 goods againe, of him that taketh them away from thee; and  
 yet both euerie man knoweth, that we may sundry times not on-

# The speculation

Rom. 10. v. 10.

The like may  
be said of  
playing at  
waters.  
Luc. 18. r.

Modus loquendi  
scholarum.

Deut. 25. 13, 14.  
2, 3.

Leuit. 25. 53.

1. Reg. 10.

1. Sam. 28.

2. Sam. 15.

ly aske our goods again, which are brinsly taken from us, but  
euen with sute of law, seek to recouer þe same: but, it is Gods  
commandement to confesse our faith openly, as a thing most  
necessary to saluation: and yet we are not bound to confesse our  
faith openly and vocally, at all times and in euery place; but  
where and when the glorie of God, or the wellie of our neigh-  
bour, shal so require: for example sake, when we are bound to  
confesse our faith vocally, when by our silence and taciturnity  
they that demand vs of our faith, would either beleue that we  
had no faith, or that our faith were not the true faith, or other-  
wise would thereby be altered from the faith, and so forsake the  
uerliuing God. Al which and other the like, haue this only  
ground and foundation, to wit, that they bee precepts affirma-  
tiue, which neither binde vs at all times nor in all places. For  
precepts affirmatiue to vse schoole termes: *obligant semper*

I say secondly, that the ciuill magistrate, had authoritie to  
mitigate many punishments ordained for malefactors, euen in  
the time of the old testament: for though he were appointed  
to punish them that vsed false weights and measures, yet was  
the punishment to be determined, euen at his owne discretion.  
Againe, when the wicked was worthe to be beaten, the iudge  
might designe him to haue many or few stripes, according to  
the qualite or quantitie of his trespass: thirde, he that sold  
himselfe to another man, might iustly be afflicted, but yet how  
and in what measure that shuld be done, was to be determined  
by the ciuill magistrate.

Thirde, that by the law of the new Testament, the Prince  
is only charged in general termes, to punish malefactors, for  
the common good of his faithful people, in regard whereof, he  
may lawfully resiste punishing them, when the common in-  
tended good of his subiects, canoe or will not insue thereupon.

The second obiection, touching the punishment of Ahab  
was punished with death, because he granted pardon  
to Benhadad king of Ammon, King Saul was deposed from his  
kingdome, because he spared Agag king of the Amalekites.  
I say first, that Ahab was perfectly designed, to be executed



# of Vburje dT

upon Benhadad, and so was also Saul appointed in precise  
 termes, to put to death king Agag. Secondly, that in the new  
 testament princes haue no such speciall commandement, but  
 are only charged in generall to punish malefactors. Thirdly,  
 that affirmative precepts bind not in euery season, but when  
 the due circumstances of time, place, persons, and the good of  
 the common weale shal require; as is already proued: for  
 otherwise, I see not how S. Paul can be excused, who made  
 earnest sute to Philemon, not to punish his seruic Oneimus,  
 who willingly had departed from him: and the like may be said  
 of S. Austen, who so often made intercession to the princes of  
 Affrica, to pardon the Donatists, and Circumcellions, who  
 did not onely disturbe religion, but also spoiled the Christians of  
 their lawful goods: yea, it was a usual custome of the Jewes,  
 as the Gospell beareth record, to let some one prisoner at liber-  
 ty for euery Captiue, which custome I find not reproued, in any  
 place of holy writ: yea, the same is usually practised, in euery  
 Christian Parliament. I say fourthly, that it is to cleare  
 S. Paul, that malefactors may sometime be pardoned, as  
 it is without all crime and reason, to beate the same: for what  
 can be a greater offence, then such fornication as is not once re-  
 uided among the Gentiles, to wit, that one should haue his sa-  
 uers wife: And yet when the partie that did this horrible sin,  
 seemed to giue signes of true remorse, then S. Paul himselfe  
 both pardoned him, & willed the Corinthians to do the same.  
 So did the fathers of the Elebertine counsell, pardon the bly-  
 sses of the Lacedaemon, who promised to forsake from blisse,  
 and to beate no longer therewith, which counsell was holden  
 about 1200. yeares ago.

Vbi supra.

2

3

3

In epist. ad Philemonem

4

1. Cor. 5. v. 11.

2. Cor. 2. 8, 9, 10.

Conc. Eleb. can. 10.

## The replie.

Saint Paul did not pardon the crime of fornication, but did  
 freely excommunicate the incontinous person for the same,  
 whose pardon was nothing else, but a relaxation of that severe  
 correction, which hee had imposed vpon him, for his defor-  
 mity fact.

## The answer.

I say first, that the ciuill magistrates among the Corinthi-  
 ans, ought to haue put to death the incontinous person, vntlesse

# The speculation

We grant indeede, that Princes may sometime pardon male-  
factours.

2 I say secondly, that if Princes might not in some respects at  
some times, pardon malefactours without offence, S. Paul who  
knew gods minde better then any this day living vpon the face  
of the earth, would neuer haue requested the Corinthians so to  
do, but would haue charged them to cut off, and to haue taken  
such a fellow out of the way.

3 I say thirdly, that as S. Paul first excommunicated the persō  
afterwards he receiued to mercie, even so do Princes first pu-  
nish malefactours by imprisonment, arraignment, &c. whom af-  
terward they pardon.

4 I say fourthly, that S. Peter smote Ananias and Saphira,  
his wife with sodain death, for their hypocrisie & deceitful dea-  
ling, and yet did S. Paul pardon the incestuous Corinthian.  
Whereby we haue to vnderstand, that Princes may pardon  
malefactours, when it seemes expedient for the common weale.

I therefore now conclude, that (in my iudgement) they want  
due consideration, who denie that Princes may pardon male-  
factours, and I heartily wish and earnestly pray, that al such as  
do not or wil not condescend thereunto, would take the paines  
soundly and directly to solue such reasons and authorities, as  
I haue made in that behalfe. Which, (if anye such can be  
perceiued) I shall no sooner vnderstand, then I wil willingly  
with heartie thanks, subscribe vnto the same.

The ninth question.

Some politike persons will lend their money as they say gratis  
and without any gaine for the loane, yet the borrowers must  
this do, or else they can haue no money at all: that is forsooth,  
they must make a lease of a peece of ground, worth 20. or 30.  
pounds by the yere, which lease must be to the vse of the re-  
dicator, for paying twelue pence or two shillings or such a  
trifle yearly, so long as the lent money is in their hands, & so  
would I knowe, if this be vsurie or no: it seemeth vsurie to  
some, and to other some it is thought otherwise, because the  
ground indeede, is set ouer for a yearly rent.

The answer.

I say first, that this is most execrable palliate vsurie, and  
vnder



## of Vfurie.

proue it, because the iust rent of the ground is cut off, for the sole and onely loane of the money.

I say secondly, that if the borrowers would make earnest complaint hereof, to the zealous executors of her maiesties lawes, then doubtles would these cruel vsurers, these murderers of their honest needie neighbours, be sharply punished according to their deserts.

I say thirdly, that the like deceitfull dealing, is this daie common to our symonists, and bringeth the greatest ruine that can be to the church of God: for blinde bussards and idle lubbards possesse the fat livings, and worthe learned men in the Uniuersities can get, no preferment at al. Now the patrons either prefer such as wil giue them money, or else the unworthe persons whom they prefer to the livings, must make them a lease of a great part of the tithes, for a peevely rent of no value: but I hope our good Bishops, (who of late dayes God be thanked, are farre better then they haue beene) will shortly looke more warily to this matter, My selfe know sundrie in the North parts, who are parsons of fat livings, and yet so vterlie vblearned as they can scarcely reade the English bible. Others I know to be so pooze, by comming to their benefices by symonie, as they haue not wherewith to buy them books for their studies: by meanes hereof the people liue in ignorance, poperie is fostered still, the weake are scandalized, and the free passage of Christs gospel is more then a little hindered.

### The tenth question.

A certaine man lately deceased, gaue to the chamber of a Cittie in this land, one hundred pounds in money, which sum he gaue with this limitation and condition, to wit, that the said citie should, in consideration thereof, giue eight pounds yearely to a preacher for ever. Now would I know, if this bee the sinne of vsurie: for to find a preacher is a worke of charitie.

### The answer.

I answer, that this Citie, if it haue lands in fee simple (as I said before of banks) out of which it granteth a perpetual rent of eight pounds by the yeare, for the hundred pounds paid in hand, then it makes a lawful contract and commits no vsury at all: but if the same citie haue no peevely reuenues, out of which

2

3

Symonie is  
the ruine of  
Christs church

Marke these  
words well

# The speculation

which it paieth the said summe, then is it flat vsurie giuen only for the leane: note what was said befoze of the portions of infants during their non-age and minozitie: for euil deedes are not theretofore good, because good followeth thereupon.

## The eleuenth question

Some deuout persons giue at their deach, certaine summes of money to townehips, out of which they appoint something to be giuen yeerely, partly for the reliefe of poore folks, and partly for the maintenance of the common highwayes, which gifes haue euer beene reputed the works of pietie, and neuer once deemed to smell of vsurie. I would theretofore know, what is to be said therein.

## The answer.

1  
Rom. 10. v. 10.

I say first, with Christs Apostle, that such donours had indeede a kind of zeale, but not grounded vpon knowledge, a good worke indeede is done, but not by a lawfull meane.

2 I say secondly, that the answer to the question afoze going, is the flat resolution hereof.

3 I say thirdly, that it is flat vsurie, because whatsoever is allotted to the poore or high wayes, is onely giuen for the loane of the money, if the case be wel marked this cannot be denied.

## The twelfth question.

What must the heires, and such as possesse the lands and goods of vsurers do: and what are they bound vnto:

## The answer.

1 I say first, that the heires, and such as haue the lands and goods of vsurers by discent or donation, stand bound in *solidum* and totally, to make restitution for the vsurie, so far forth as the lands and goods will extend.

2 I say secondly, that others who haue bought lands or goods of vsurers, and paid the iust valne thereof for them, are not bound to restitution: yet if either such goods and lands remain in their proper kind, as they were gotten by vsurie, or were bought at an vnder valne, then as wel the things that remain in their proper kind, as the ouerplus by which the buyer is enriched, must be restored to him or them that were oppressed with the vsurie: and if he or they cannot be knowne, so much must be giuen to the poore: for in such cases the poore succede

Math. 25. v. 40.



in Chyl's roome, the

The thirteenth

Pl. 24. v. 1.

If an vn<sup>der</sup> buy an hōrse with . . . by vsury, and  
giue or sel the same hōrse to another man, what is that man  
bound to do, who hath the hōrse by free donation, or by way of  
sale?

The answer.

I say first, that if the vsurer left not goods sufficient for re-  
stitution, then is he that had the hōrse *gratis*, bound to restore  
him to the oppressed partie.

I say secondly, that he that bought the hōrse *bona fide*, and  
gaue the iust price for the same, is not bound to any restitution.

I say thirdly, that the man who bought the hōrse *mala fide*, is  
doubtles bound to restitution. First, because hee concurred  
to an vnlawfull act. Againe, for that he bought the hōrse at an  
vnder value, & so made the partie impotēt in way of restitutio.

The replie.

By this it seemeth, that they who eate of stolen mutton are  
bound to restitution, although they know nothing, of the vn-  
lawful taking thereof.

The answer.

I say first, that they onely are not bound to restitution, who  
eate of stolen mutton, but euen they also who eate of stolen  
venison.

I say secondly, that they who eate thereof and are priuie to  
the stealing, are not onely bound to restitution, but withal are  
guiltie of a grieuous crime.

I say thirdly, that they who eate thereof, *bona fide*, are in-  
deede free from sinne in respect of that eating, although they  
remain bound in way of ciuill satisfaction.

The fourteenth question.

What if a partie damnified, will freely remit the restitution  
of the surplussage vniustly taken?

The answer

I answer, that so soone as the partie griued granteth re-  
laxation, the vsurer is by and by freed from all restitution, al-  
though he be not free from sinne, by reason of his impenitent  
heart that will not giue to euerie man his owne.

✓ Usurie.

Thus I have employed a skilful and  
pamful studie, to paint out fully in her lively colours, the de-  
1 formed and impudent lable Usurie. First I have shewed ex-  
2 actly, the essence, nature, and definition of vsurie: secondly the  
3 heinous sinne and irksome deformitie of the same: thirdly the  
4 difference betweene vsurie, and other lawfull contracts of len-  
5 ding: fourthly, the object of vsurie, and things in which it is  
6 committed: fifthly the severall kindes of vsurie, and their pro-  
7 per adiuncts: sixthly, the gaine reasing, and losse insuing by and  
8 through the loane of money: seventhly, that vsury is flat thefe,  
9 and also that it bindeth to restitution. Eighthly, I have solved  
 sundrie important objections, made in defence of vsury. Ninth-  
 ly, I have proposed certaine difficult questions, with euident  
 and plaine resolutions of the same: by which my labour if thou  
 canst reape my emolument, then see thou be thankfull to God  
 for the same, the principal worlman of euerie good worke:  
 to whom with the Sonne and the holy ghost,  
 be all honor, power, and glory now  
 and ever, Amen.

Be all Honor Glory now  
And ever Amen



